

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI JUSTICE G. BIKSHAPATHY

and

HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 18995 of 2004

Between:

Ch. Vajramma, W/o. Balashankariah,
M.P.E. School, Buchireddipalem(South), Buchireddipalem Mandal, Nellore
District.

..... PETITIONER

AND

- 1 The Govt of A.P., rep. by Secretary, Education
Department, Secretariat, Hyd.
- 2 The Government of A.P., rep. by its Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad.
- 3 The Chief Executive Officer, Zilla Parishad, Nellore,
Nellore District.
- 4 Mandal Parishad Development Officer, Mandal Praja
Parishad, Buchireddipalem,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order of direction more particularly one in the nature of writ of certiorari after calling for the records relating to and connected with judgment of the A.P. Administrative Tribunal in O.A.No.5529/2001 dt. 9.9.2004 and to quash or set aside the same by declaring it as illegal. arbitrary and violative of articles 14, 16 and 21 of the constitution of India besides against to the settled principles of law.

Counsel for the Petitioner : MR.V.AJAY KUMAR

Counsel for the Respondent Nos. 1 to 3 : GP FOR SERVICES II.

Counsel for the respondent No.4: Mr. Dantu Srinivas.

The Court made the following :

ORAL ORDER:

(per Hon'ble Sri Justice G. Bikshapathy)

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1 . In this writ petition order dated 09.09.2004 passed by A.P. Administrative Tribunal in O.A.No.5529 of 2001 is assailed. The matter has a long history, but, however, we are not concerned with the previous details. Suffice it to say that the petitioner was appointed as Conductress on 09.07.1982 and the same was also ratified by the authorities. But, however, the proposal was sent to the Government on 06.05.1991 to approve the appointment and since then the Government has not passed any orders. In the meanwhile, on 24.07.1991 when a show-cause notice of removal was issued on the ground that her appointment was not in accordance with the rules, she filed O.A.No.39974 of 1991 and the same was disposed of directing the Government to pass appropriate orders. But, however, the petitioner was not given the appropriate pay-scales and also the matter was not considered by the Government. She filed again O.A.No.5529 of 2001 to direct the Government to pass appropriate orders ratifying the appointment of the applicant and also to re-fix her pay from time to time. The said O.A., came to be dismissed by the Tribunal by order dated 09.09.2004, against which the present writ petition has been filed.

2. The learned counsel for the petitioner, however, submits that the order of

the Tribunal is not sustainable in law inasmuch as on earlier occasion the Tribunal disposed of O.A.No.39974 of 1991 directing the Government to pass appropriate orders and till such time, petitioner shall be continued in service. In such a situation the Tribunal could not have dismissed O.A.No.5529 of 2001, but could have disposed of the same with directions. We have heard learned counsel for the Government also on this aspect.

3. It is not in dispute that petitioner was appointed on 09.07.1982 and the matter relating to ratification of the appointment is still pending with the Government in pursuance of the proposal sent by the Mandal Praja Parishad, Buchireddypalem, on 06.05.1991. It is also now brought to the notice of this Court that still the Government has not passed any orders on the said proposal. Under these circumstances, we find it inappropriate on the part of the Tribunal to have dismissed the application, which has the effect of disengaging the petitioner from service who has been working as Conductress from 1982. Under those circumstances, we are inclined to set aside the order of the Tribunal. Accordingly the impugned order of the Tribunal is set aside and the petitioner shall be reinstated forthwith into service as Conductress. The Government is directed to dispose of the proposal sent by the Mandal Praja Parishad, Buchireddypalem, dated 06.05.1991, within a period of three months from the date of receipt of a copy of this order. If Government does not pass the order within the time stipulated, it shall be deemed that the appointment of the petitioner is approved.

4. In the result, writ petition is allowed. No costs.

G. BIKSHAPATHY. J.,

P.S. NARAYANA. J.,

Dated: 13.12.2004.

VRK.

To

- 1 The Secretary to Govt of A.P., Education
Department, Secretariat, Hyderabad.
- 2 The Secretary to Government,
Panchayat Raj Department,
Secretariat, Hyderabad.
- 3 The Chief Executive Officer, Zilla Parishad, Nellore,
Nellore District.
- 4 The Mandal Parishad Development Officer, Mandal
Praja Parishad, Buchireddypalem,
Nellore District.
5. Two CCs to G.P., for Services II, High Court Buildings, Hyderabad
(OUT).
6. Two CD copies.

HON'BLE SRI JUSTICE G. BIKSHAPATHY

AND

HON'BLE SRI JUSTICE P.S. NARAYANA.

W.P.NO. 18995 OF 2004.

**(Order of the Bench delivered by
Hon'ble Sri Justice G. Bikshapathy)**

Dt: 13.12.2004.

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